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new
2-10-03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Hadden *et al.*

Serial No. 09/837,076

Filed: 04/18/2001

For: **PERFORMANCE-BASED TRAINING ASSESSMENT**

Examiner: Colon, Catherine M.

Art Unit: 3623

Commissioner for Patents
Washington, D.C. 20231

Sir:

RENEWED PETITION UNDER 37 CFR § 1.181

This renewed petition is in response to the Decision on Petition to Withdraw the Holding of Abandonment mailed on October 1, 2002. The original petition was in response to the Notice of Abandonment mailed on August 23, 2002. In the Decision, the Patent Office indicated that "a copy of the list of all responses in the practitioner's office with the due date of and around May 12, 2002" must be submitted with this petition. Therefore, this renewed petition includes the required docket records.

The Notice of October 25, 1993, 1156 O.G. 53, states (in part): "In order to minimize cost and burdens to the practitioner and the Office when an application has become abandoned due to a failure to receive an Office action, the Office is modifying the showing required to make a petition to withdraw the holding of abandonment grantable. The showing required to establish the failure to receive an Office actio[n] must consist of a statement from the practitioner stating that the Office action was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office action was not received. A copy of the docket record where the non-received Office action would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement."

I hereby petition to withdraw the holding of abandonment in this case, on the basis that the Office Action forming the basis of the abandonment was not received. Although there should be no fee required for this petition, the Patent Office is hereby authorized to charge any fees to Deposit Account number 50-1732.

I hereby state that the Office Action indicated, as mailed on February 12, 2002, was not received and that a search of the file jacket and the docket records in my office indicates that this Office Action was not received. I have attached a copy of the docket record where the non-

received Office Action would have been entered if it had been received and docketed. I have also attached a docket report showing all responses in my office having a due date of and around May 12, 2002. Additionally, I have attached the docket record showing all communication to and from the Office relating to the filing and prosecution of this patent application, wherein it is evident that the Office Action has not be received and docketed.

Reconsideration of this petition to withdraw the holding of abandonment is respectfully requested.

FAX RECEIVED

OCT 16 2002

GROUP 3600

Official

Date:

Attorney Docket: 1004-001

Respectfully submitted,

WITHROW & TERRANOVA P.L.L.C.

By:

Benjamin S. Withrow
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CERTIFICATE OF TRANSMISSION

I HEREBY CERTIFY THAT THIS DOCUMENT IS BEING
TRANSMITTED VIA FACSIMILE ON THE DATE INDICATED
BELOW TO:

Examiner: Colon, Catherine M. Art Unit: 3623 Fax: 703-872-9327

Jennifer Rush
Name of Sender

Jennifer Rush
Signature

October 16 2002
Date of Transmission

Filters Used:
32 Tagged Records

ToDo Report

Custom List Format

Date Printed: 10/15/2002

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Date	Mat No	Doc	Description	Staff	Code
5/10/2002	Fri § 2867-066-01	Y	Deadline to enter Chapter II (19 mo)	Benjamin S Withrow	HARDDEADL
5/10/2002	Fri § 7000-172	Y	R-Respond-Final Rejection (2m)	BSW, TMD	SOFTDEADL
5/10/2002	Fri § 2400-236	Y	Restriction Requirement MAILED	Steven N. Terranova	
5/10/2002	Fri § 7000-174	Y	R-Respond-Final Rejection (2m)	BSW, TMD	SOFTDEADL
5/10/2002	Fri § 4579-088	Y	Notice of Missing Parts MAILED	Steven N. Terranova	
5/10/2002	Fri § 8867-116	Y	Publication date	Benjamin S Withrow	
5/11/2002	Sat § 7000-004	Y	R-Respond to 3 month OA	BSW, TMD	SOFTDEADL
5/11/2002	Sat § 7000-004	Y	R-Respond to 3 month OA	TMD, BSW	SOFTDEADL
5/11/2002	Sat § 1011-001-004	Y	Respond to Missing Parts	Benjamin S Withrow	HARDDEADL
5/11/2002	Sat § 2400-280a	Y	File IDS	Steven N. Terranova	HARDDEADL
5/12/2002	Sun § 7000-139	Y	R-Respond to Missing Parts	Benjamin S Withrow	SOFTDEADL
5/12/2002	Sun § 2400-055B	Y	R-1st Maint. Fee Due-NOsurch.	Kelly A Farrow	SOFTDEADL
5/13/2002	Mon § 4579-090	Y	Notice of Missing Parts MAILED	Steven N. Terranova	
5/14/2002	Tue § 2400-482A	Y	Issue Fee Due	Steven N. Terranova	HARDDEADL
5/14/2002	Tue § 2400-482A	Y	Formal Drawings Due	Steven N. Terranova	HARDDEADL
5/14/2002	Tue § 2400-625	Y	Issue Date	Steven N. Terranova	
5/14/2002	Tue § 7000-160	Y	Respond to Final Rejection (2mth)*	Benjamin S Withrow	HARDDEADL
*Erik Fako authorized letting 2 month date pass					
5/14/2002	Tue § 7000-160	Y	Respond to Final Rejection (2mth)*	Taylor M Davenport	HARDDEADL
*Erik Fako authorized letting 2 month date pass					
5/14/2002	Tue § 2867-122	Y	Issue Date	Benjamin S Withrow	
5/14/2002	Tue § 8867-109	Y	Absolute Deadline for TM OA	BSW, TMD	HARDDEADL
5/14/2002	Tue § 8867-109	Y	Absolute Deadline for TM OA	TMD, BSW	HARDDEADL
5/14/2002	Tue § 2400-172	Y	Response submitted to OA	Steven N. Terranova	
5/15/2002	Wed § 4579-149-P	Y	F/U Filing Receipt	Steven N. Terranova	SUPPORT TA
5/15/2002	Wed § 2400-372	Y	Final Rejection (OA) received	Steven N. Terranova	
5/15/2002	Wed § 2867-086	Y	Abs Deadline for Restrict. Rcq.	Benjamin S Withrow	HARDDEADL
5/15/2002	Wed § 7000-071	Y	Submit Issue Fee	Benjamin S Withrow	
5/15/2002	Wed § 2867-017	Y	Submit Issue Fee	Benjamin S Withrow	
5/15/2002	Wed § 2400-423A	Y	File IDS	Steven N. Terranova	General/Misc
5/15/2002	Wed § 4579-171	Y	Notice of Missing Parts MAILED	Steven N. Terranova	
5/15/2002	Wed § 2400-599	Y	Three Month OA MAILED	Steven N. Terranova	
5/15/2002	Wed § 1011-001-005	Y	R-Respond to Missing Parts	Benjamin S Withrow	SOFTDEADL
5/15/2002	Wed § 2400-459	Y	2nd Main. Fee Due-NoSurcharge	Kelly A Farrow	HARDDEADL

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Date Printed: 10/15/2002

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Date		Mat No		Don Description	Staff	Reminde Code
4/12/2001	Thu	1004-001	Y	Send first draft to client	Benjamin S Withrow	SOFTDEADL
4/18/2001	Wcd §	1004-001	Y	Patent Application Filed	Bcnjamin S Withrow	
6/18/2001	Mon §	1004-001	Y	F/U Postcard	Benjamin S Withrow	SUPPORT TA
5/4/01						
6/18/2001	Mon §	1004-001	Y	R-File IDS	Benjamin S Withrow	SOFTDEADL
7/27/2001	Fri §	1004-001	Y	File IDS	Benjamin S Withrow	HARDDEADI
8/20/2001	Mon §	1004-001	Y	F/U Filing Rcceipt	Benjamin S Withrow	SUPPORT TA
9/10/2001	Mon	1004-001	Y	Prepare Petition to Make Special	Benjamin S Withrow	SOFTDEADL
1/18/2002	Fri §	1004-001	Y	Scnd Foreign Filing Notice	Benjamin S Withrow	SOFTDEADL
1/18/2002	Fri §	1004-001	Y	R-Foreign Filing Deadline	Bcnjamin S Withrow	SOFTDEADL
4/18/2002	Thu §	1004-001	Y	Foreign Filing Deadline	Benjamin S Withrow	HARDDEADI
Decided against PCT application						
4/18/2003	Fri §	1004-001	N	F/U re First Office Action	Benjamin S Withrow	SUPPORT TA